

JUN 22 2010

Mr. Jerry Brooks  
Director  
Division of Environmental Assessment and Restoration  
Florida Department of Environmental Protection  
Mail Station 3000  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Brooks:

The Environmental Protection Agency (EPA) has completed its review of the revisions to establish site-specific alternative criteria (SSAC) for dissolved oxygen (DO) for portions of Turkey Creek and the South Prong of the St. Marys River in Baker County, Florida. The final order for this revision was signed November 20, 2009, and was duly adopted under state law. The revisions were submitted by letter from Thomas M. Beason, General Counsel of the Florida Department of Environmental Protection (FDEP), to Mr. A. Stanley Meiburg, Acting Regional Administrator, U.S. EPA Region 4, dated February 4, 2010.

In accordance with Section 303(c) of the Clean Water Act, I am hereby approving the site-specific alternative criteria for DO requested by the City of Macclenny and adopted by the FDEP on November 20, 2009. The alternative criteria, which provide that DO in the stream reaches shall be maintained at or above 3.0 mg/L as an annual average with no more than 10% of the individual measurements falling below 1.35 mg/L on an annual basis, was granted since naturally occurring DO levels lower than the previous SSAC have been documented year round and to a larger spatial extent than previously known in 1985.

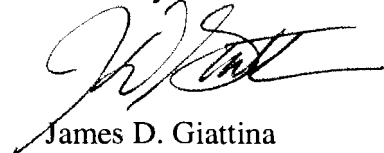
While we recognize that DO levels may fall to these levels on occasion, we would oppose more frequent excursions to this level than would naturally occur. Section 62-302.500(2)(f) of Florida's Water Quality Standards provides that the "alternative criteria shall not result in a lowering of dissolved oxygen levels in the water body, water body segment, or any adjacent waters, and shall not violate the minimum criteria specified in Rule 62-302.500(1), F.A.C. Daily and seasonal fluctuations in dissolved oxygen levels shall be maintained." Therefore, it is our opinion that the alternative numerical criteria, along with the requirements contained in Rule 62-302.500, will assure maintenance of the naturally occurring DO levels in the waterbody. EPA's approval is specific to the review of the naturally occurring DO levels in the areas addressed by the revised SSAC, and did not result in the analysis of any additional parameters. If the State chooses to develop SSACs for other parameters, those would be subject to a future review.

We are pleased that the State has recommended ongoing monitoring to assess discharge compliance with this SSAC. The City's disposal system should not result in more frequent DO excursions than would naturally occur in the absence of the discharge. If the City's discharge fails to maintain the natural instream DO levels, the State and NPDES permit requirements should be modified, as appropriate.

Lastly, as described on page 15 of the Technical Support Document submitted with the Final Order, we appreciate your clarification that "the 10% exceedance rate allowed for individual measurements is not intended to be compounded with an additional 10% rate based on the binomial assessment methodology applied in Florida's Impaired Waters Rule." If this clarification needs to be codified, then we recommend doing so in the next revision of the Impaired Waters Rule.

We would like to commend you and your staff for your continued efforts in environmental protection for the State of Florida. Should you have any questions regarding EPA's approval, please contact me at (404) 562-9470 or have a member of your staff contact Lauren Petter, Florida Water Quality Standards Coordinator, at (404) 562-9272.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina", written over a horizontal line.

James D. Giattina  
Director

Water Protection Division

cc: Thomas M. Beason, FDEP  
Kenneth Weaver, FDEP